

House File 543 - Introduced

HOUSE FILE _____
BY SHOMSHOR

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring automatic sprinkler systems in dormitories and
2 providing for penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2136YH 82
5 eg/je/5

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1 1 Section 1. NEW SECTION. 100.39A AUTOMATIC SPRINKLER
1 2 SYSTEMS IN DORMITORIES == PENALTY.
1 3 1. As used in this section:
1 4 a. "Dormitory" means a residential building or portion of
1 5 a building at an institution of higher education which houses
1 6 students in rooms not individually equipped with cooking
1 7 facilities.
1 8 b. "Institution of higher education" means an educational
1 9 institution that provides a program of education beyond the
1 10 high school level, including a public or private college,
1 11 university, or trade school.
1 12 2. A dormitory approved for construction after July 1,
1 13 2007, shall have an approved automatic sprinkler system, as
1 14 defined in section 100C.1, designed and installed in
1 15 conformity with rules promulgated by the state fire marshal
1 16 pursuant to this chapter. The rules shall require compliance
1 17 with national fire protection association standards, NFPA 13
1 18 and NFPA 13R. A governmental subdivision shall not issue a
1 19 certificate of occupancy or use absent compliance with this
1 20 section by the institution of higher education having control
1 21 over the dormitory.
1 22 3. A dormitory that is in existence or under construction
1 23 on July 1, 2007, shall have an approved automatic sprinkler
1 24 system designed and installed in conformity with rules
1 25 promulgated by the state fire marshal pursuant to this chapter
1 26 on or before July 1, 2012. A dormitory that has an approved
1 27 automatic fire extinguishing system installed pursuant to
1 28 section 100.39 shall be deemed in compliance with this
1 29 section.
1 30 4. Plans and installation of automatic sprinkler systems
1 31 shall be approved by the state fire marshal, a designee of the
1 32 state fire marshal, or local authorities having jurisdiction.
1 33 Except where local fire protection regulations are more
1 34 stringent, the provisions of this section shall be applicable
1 35 to all dormitories. The definition of terms shall be in
2 1 conformity, insofar as possible, with definitions found in the
2 2 state building code adopted pursuant to section 103A.7.
2 3 5. The state fire marshal shall enforce this section and
2 4 may implement a program of inspections to monitor compliance
2 5 with this section. Upon inspection, the state fire marshal
2 6 shall issue a written notice to the institution of higher
2 7 education having control over the dormitory of compliance or
2 8 noncompliance with this section. If the dormitory is in
2 9 violation of this section, the state fire marshal may issue an
2 10 order to have the premises of the dormitory vacated and the
2 11 building closed until an automatic sprinkler system is
2 12 installed.
2 13 6. No person shall hinder, delay, or interfere with an
2 14 inspection conducted to monitor compliance with this section.
2 15 7. Each day that a person violates a provision of this
2 16 section, or rule adopted pursuant to this section, constitutes
2 17 a separate offense for which such person is guilty of a simple
2 18 misdemeanor punishable by a fine of not more than one thousand
2 19 dollars. Upon each conviction, the person shall pay the costs
2 20 incurred by the state fire marshal or the county attorney

2 21 under section 100.14, to obtain such conviction.

2 22 Sec. 2. CONTINGENT EFFECTIVENESS. This Act shall not take
2 23 effect unless an appropriation is enacted or the state's share
2 24 of the cost of this Act is specified in accordance with
2 25 section 25B.2, subsection 3.

2 26 EXPLANATION

2 27 This bill requires that all dormitories constructed after
2 28 July 1, 2007, have an automatic sprinkler system. The bill
2 29 requires that dormitories in existence on or being constructed
2 30 as of July 1, 2007, have automatic sprinkler systems installed
2 31 on or before July 1, 2012. Dormitories that already have an
2 32 automatic fire extinguishing system installed pursuant to Code
2 33 section 100.39 are deemed to be in compliance with the
2 34 automatic sprinkler system requirement.

2 35 The bill requires that the automatic sprinkler systems meet
3 1 the national fire protection association standards, NFPA 13
3 2 and NFPA 13R. The bill also requires that the plans and
3 3 installation of the automatic sprinkler systems be approved by
3 4 the state fire marshal, a designee of the state fire marshal,
3 5 or local authorities having jurisdiction. If local fire
3 6 protection standards are more stringent, these standards
3 7 apply. To the extent possible, the definition of terms must
3 8 conform with the state building code.

3 9 The bill requires that the state fire marshal enforce the
3 10 requirement of automatic sprinkler systems. The state fire
3 11 marshal may implement a program of inspections to monitor
3 12 compliance. Upon inspection, the state fire marshal is to
3 13 issue a written notice to the institution of higher education
3 14 of compliance or noncompliance. If a dormitory is not in
3 15 compliance, the state fire marshal may issue an order to have
3 16 the premises vacated and the building closed until an
3 17 automatic sprinkler system is installed.

3 18 The bill prohibits any person from hindering, delaying, or
3 19 interfering with an inspection of the dormitory.

3 20 The bill provides that a person who violates a provision of
3 21 this new Code section 100.39A or rules adopted by the state
3 22 fire marshal is guilty of a simple misdemeanor punishable by
3 23 a fine of not more than \$1,000. Each day of violation
3 24 constitutes a separate offense. Upon conviction, the person
3 25 shall pay the costs incurred by the state fire marshal or the
3 26 county attorney to obtain the conviction.

3 27 The bill contains a contingent effectiveness provision
3 28 which states that the bill does not take effect unless the
3 29 state complies with the state mandate funding requirement of
3 30 Code section 25B.2, which requires funding for the cost of the
3 31 state mandate to be provided or specified.

3 32 LSB 2136YH 82

3 33 eg:nh/je/5